

MINUTES

EAU CLAIRE CITY COUNCIL LEGISLATIVE MEETING

Tuesday, April 9, 2013

City Council Chamber

4:00 p.m.

PLEDGE OF ALLEGIANCE AND ROLL CALL

Council President Kincaid called the meeting to order. The following members were present: Council Members Larry Balow, David Duax, Catherine Emmanuelle, Kerry Kincaid, David Klinkhammer, Kathy Mitchell, Mark Olson, Jackie Pavelski, Bob Von Haden, Thomas Vue, and Andrew Werthmann.

CONSENT AGENDA

The Council considered a resolution adopting the Consent Agenda for selected items of routine business on Tuesday, April 9, 2013. Thereupon a motion was offered by Council Member Emmanuelle and seconded by Council Member Vue “to adopt the consent resolution”. Said motion passed by unanimous vote.

PROCLAMATIONS AND COMMENDATIONS

Council President Kincaid, on behalf of the City Council, proclaimed April 26 as Arbor Day in the City of Eau Claire. 2013 is the 33rd year the City has been recognized by the National Arbor Day Foundation as a Tree City, USA.

Council President Kincaid, on behalf of the City Council, proclaimed the week of April 21 – 27, 2013 as ‘Start Talking – Silence is Permission’ week in the City of Eau Claire as part of the Reality Check 21 Partnership’s effort to reduce underage drinking.

Council President Kincaid, on behalf of the City Council, presented the Eau Claire Memorial High School Boys Hockey Team a Certificate of Commendation in recognition of their winning the WIAA State Championship.

Council President Kincaid, on behalf of the City Council, presented a Certificate of Commendation to the U.W. - Eau Claire Men’s Hockey Team in recognition of their winning the NCAA Division III National Championship.

SPECIAL EVENT

The Council considered a resolution authorizing the Girl Scouts of Northwestern Great Lakes to conduct the Eau Claire Bully Free Walk on Saturday, May 18, 2013 at Owen Park and along city sidewalks and trails. Thereupon a motion was offered by Council Member Balow and seconded by Council Member Klinkhammer “to adopt said resolution”. Said motion passed by unanimous vote.

BUDGET ADJUSTMENTS

The Council considered a resolution authorizing the 2012 Fourth Quarter budget adjustments and carryovers and the 2013 First Quarter budget adjustments. Thereupon a motion was offered by Council Member Olson and seconded by Council Member Von Haden “to adopt said resolution”. Said motion passed by unanimous vote.

The Council considered a resolution authorizing the write-off of uncollectible accounts receivable and delinquent personal property taxes. Thereupon a motion was offered by Council Member Duax and seconded by Council Member Pavelski “to adopt said resolution”. Said motion passed by unanimous vote.

PROPOSED STATE LEGISLATION

The Council considered a resolution opposing Senate Bill 48 and Assembly Bill 23 which require pre-funding of post-employment health benefits for new employees. Thereupon a motion was offered by Council Member Olson and seconded by Council Member Werthmann “to adopt said resolution”. Said motion passed by the following vote: Aye: Council Members Balow, Duax, Emmanuelle, Kincaid, Mitchell, Olson, Pavelski, Vue and Werthmann. Nay: Council Members Klinkhammer and Von Haden.

APPOINTMENTS

The Council considered a resolution appointing members to the following boards, commissions, and committees:

Affirmative Action Committee

Felicity “Rose” Kilmurray – new appointment as Labor Representative
to fill an unexpired term through June 30, 2014

Housing Advisory Board (three-year term to expire April 30, 2016)

Paul Canfield – new appointment

Housing Authority (five-year term to expire April 30, 2018)

Josh Dalton – reappointment

North Barstow Business Improvement District Board (three-year terms to expire December 31, 2015)

John Kohlhepp – reappointment

Jason Manz – reappointment

Eric Thompson – new appointment

Plan Commission (three-year term to expire April 30, 2016)

Jamie Radabaugh – new appointment

Police and Fire Commission (five-year term to expire April 30, 2018)

Daniel Kincaid – new appointment

Transit Commission

Lynn Janik – new appointment to fill unexpired term, to expire June 30, 2013

Cheryal Keisler – new appointment to fill unexpired term, to expire June 30, 2015

Utility Appeals Board (three-year term to expire April 30, 2016)

Josh Dalton – reappointment

Thereupon a motion was offered by Council Member Werthmann and seconded by Council Member Vue “to adopt said resolution”. Said motion passed by unanimous vote.

FISCAL POLICY COMMITTEE

The Council considered a resolution creating the Fiscal Policy Committee as a regular committee of the City Council charged with advising the Council on matters of fiscal policy and strategies, for reviewing and recommending Operating Budget and Capital Budget Programs. Thereupon a motion was offered by Council Member Olson and seconded by Council Member Pavelski “to adopt said resolution”. Thereupon a motion was offered by Council Member Duax and seconded by Council Member Balow “to amend said resolution by deleting Sub-paragraphs #1.d and #1.f and replacing them with the following:

- d. Conducting a regular review of City programs to seek ways to reduce costs, enhance services or maximize revenues and recommending any program changes to the City Council.
- f. Reviewing and evaluating ideas to improve the budget process and information contained in the Program of Services and related budget documents and recommending any changes to the City Council.”

Said motion to amend passed by the following vote: Aye: Council Members Balow, Duax, Olson, Pavelski, Von Haden and Werthmann. Nay: Council Members Emmanuelle, Kincaid, Klinkhammer, Mitchell and Vue. Thereupon a motion was offered by Council Member Duax “to amend Paragraph #2 by deleting the words ‘any other preceding resolutions in conflict herewith’ and inserting the words ‘Resolution No. 2009-184 adopted April 14, 2009’.” Said motion was accepted by the mover and seconder as a friendly amendment. Thereupon a motion was offered by Council Member Duax “to amend the title of the resolution by inserting the words ‘and for’ after the word Strategies in the third line and inserting the word ‘changes’ at the end of the title”. Said motion was accepted by the mover and seconder as a friendly amendment. There-upon a motion was offered by Council Member Mitchell and seconded by Council Member Klinkhammer “to postpone consideration of said resolution and schedule a Study Session at a future Monday Night council meeting to discuss the role of the Fiscal Policy Committee”. Said motion failed on the following vote: Aye: Council Members Emmanuelle, Kincaid, Klink-hammer, and Mitchell. Nay: Council Members Balow, Duax, Olson, Pavelski, Von Haden, Vue and Werthmann. Thereupon a motion was offered by Council Member Mitchell and seconded by Council Member Klinkhammer “to add a Paragraph #4 to read ‘The Fiscal Policy Committee shall terminate 90 days after April 16, 2013’.” Said motion failed on the following vote: Aye: Council Members Emmanuelle, Kincaid, Klinkhammer and Mitchell. Nay: Council Members Balow, Duax, Olson, Pavelski, Von Haden, Vue and Werthmann. Thereupon a motion was offered by Council Member Duax and seconded by Council Balow “to call the question (thus end debate and vote on the item)”. Said motion failed by the following vote: Aye: Council Members Balow, Duax, Olson, Pavelski, and Von Haden. Nay: Council

Members Emmanuelle, Kincaid, Klinkhammer, Mitchell, Vue and Werthmann. Thereupon a motion was offered by Council Member Mitchell and seconded by Council Member Klinkhammer “to amend said resolution by deleting Sub-paragraph #1.e and inserting a new Sub-paragraph #1.e to read ‘Collect citizen input on the City budget process’.” Said motion failed on the following vote: Aye: Council Members Emmanuelle, Kincaid, Klinkhammer, Mitchell and Werthmann. Nay: Council Members Balow, Duax, Olson, Pavelski, Von Haden and Vue. Thereupon a motion was offered by Council Member Mitchell and seconded by Council Member Klinkhammer “to delete Sub-paragraph #1.d (Developing a regular program review of City programs to seek ways to reduce costs, enhance services or maximize revenues.)”. Thereupon a motion was offered by Council Member Duax and seconded by Council Member Pavelski “to call the question (thus end debate and vote on the motion)”. Council President Kincaid asked for unanimous consent on the call of the question; objection was expressed and debate continued. The Council voted on the motion “to delete Sub-paragraph #1.d”. Said motion failed on the following vote: Aye: Council Members Emmanuelle, Kincaid, Klinkhammer, and Mitchell. Nay: Council Members Balow, Duax, Olson, Pavelski, Von Haden, Vue and Werthmann. Thereupon a motion was offered by Council Members Duax and seconded by Council Member Balow “to call the question”. Council President Kincaid asked for unanimous consent on the call of the question; objection was expressed and debate continued. At the conclusion of the debate, the Council voted on the motion to adopt the resolution with the three amendments. Said resolution was adopted by the following vote: Aye: Council Members Balow, Duax, Olson, Pavelski, Von Haden and Werthmann. Nay: Council Members Emmanuelle, Kincaid, Klinkhammer, Mitchell and Vue.

Council Member Werthmann left the Council Chamber.

DEVELOPMENT AGREEMENT AMENDMENT

The City Council considered a resolution approving an amendment to the Development and Purchase Agreement and related documents with Royal Credit Union regarding the North Barstow Redevelopment Project. Thereupon a motion was offered by Council Member Emmanuelle and seconded by Council Member Vue “to adopt said resolution”. Said motion passed by unanimous vote.

Council Member Werthmann returned to the Council Chamber.

Council Member Von Haden left the Council Chamber.

MEETING CANCELLATION

The Council considered a resolution canceling the City Council meeting scheduled for Monday, May 27, 2013 due to the Memorial Day Holiday. Thereupon a motion was offered by Council Member Klinkhammer and seconded by Council Member Duax “to adopt said resolution”. Said motion passed by the following vote: Aye: Council Members Duax, Emmanuelle, Kincaid, Klinkhammer, Mitchell, Olson, Pavelski, Vue and Werthmann. Nay: Council Member Balow.

Council Member Von Haden returned to the Council Chamber.

COAT-OF-ARMS

The Council considered a resolution approving the proposed design for a new City of Eau Claire Coat-of-Arms and City seal; adopting an official city motto; establishing a process for implementing use thereof by the city, its officials, and departments; and repealing and replacing use of the seal adopted in 1986. Thereupon a motion was offered by Council Member Duax and seconded by Council Member Pavelski “to adopt said resolution”. Thereupon a motion was offered by Council Member Kincaid “to amend said resolution, in Paragraph #3 of the Now, Therefore Be It Resolved section, change the phrase ‘shall be inscribed’ to ‘may be inscribed’”. Said motion was accepted by the mover and seconder as a friendly amendment. Thereupon a motion was offered by Council Member Von Haden “to change the effective date of the resolution, found in Paragraph #6, from July 1, 2013 to September 30, 2013”. Said motion was accepted by the mover and seconder as a friendly amendment. The Council then voted on the resolution as amended. Said resolution was adopted by following vote: Aye: Council Members Balow, Duax, Kincaid, Klinkhammer, Mitchell, Olson, Pavelski, Von Hade and Vue. Nay: Council Members Emmanuelle and Werthmann.

ZONING

The City Council considered an ordinance rezoning property located on the east side of Hwy. 53 and on the north and south sides (quadrants) of the North Crossing interchange from Temporary R-1A and R-1A to C-3P and to adopt the General Development Plan for commercial development on the north quadrant; and to amend the existing C-3P zoning on the southeast quadrant to allow a change in setback as shown on Planning File #Z-1521-13. Thereupon a motion was offered by Council Member Balow and seconded by Council Member Olson “to adopt said ordinance”. Said motion passed by unanimous vote.

The Council considered an ordinance rezoning property on the west side of Oakwood Hills Parkway, between Cypress Street and Oakwood Hills Parkway, south of Brian Street, from Temporary R-1A and C-2P to R-1 and C-2P and to adopt the General Development Plan for commercial development as shown on Planning File #Z-1523-13. Thereupon a motion was offered by Council Member Von Haden and seconded by Council Member Pavelski “to adopt said ordinance”. Said motion passed by unanimous vote.

The Council considered an ordinance rezoning property on the south side of Birch Street, east of River Prairie Drive, from Temporary R-1A to R-3P and to adopt the General Development Plan for multi-family development with Community Based Residential Facilities (CBRF) which will exceed 16 residents and be located within 2,500 feet of another CBRF as shown on Planning File #Z-1524-13. Thereupon a motion was offered by Council Member Mitchell and seconded by Council Member Werthmann “to adopt said ordinance”. Said motion passed by unanimous vote.

ZONING NOTICE CHANGES

The City Council considered an ordinance amending Chapter 18.35 entitled “Conditional Uses”, Chapter 18.55 entitled “Board of Appeals”, and Chapter 18.65 entitled “Amendments and Rezoning” of the Zoning Code of the City of Eau Claire, regarding zoning radius notices and public hearing notice signs, as shown on Planning File #Z-1522-13. Thereupon a motion was offered by Council Member Emmanuelle and seconded by Council Member Vue “to adopt said ordinance”. Thereupon a motion was offered by Council Member Werthmann and seconded by Council Member Pavelski “to amend said ordinance as follows: ‘At the end of Section #1, Section #2 and Section #3, delete the phrase ‘prior to the hearing’ and insert the phrase ‘not less than 10 days prior to the hearing’.” Said motion to amend failed by the vote: Aye: Council Members Duax, Pavelski and Werthmann. Nay: Council Members Balow, Emmanuelle, Kincaid, Klinkhammer, Mitchell, Olson, Von Haden and Vue. The Council then voted on the original motion to adopt the ordinance. Said motion passed by unanimous vote.

HVAC CODE CHANGES

The City Council considered an ordinance amending Chapter 16.28 of the Code of Ordinances of the City of Eau Claire entitled "Heating, Ventilating, and Air Conditioning (HVAC) Code concerning test for leaks in gas supply lines. Thereupon a motion was offered by Council Member Balow and seconded by Council Member Klinkhammer “to adopt said ordinance”. Said motion passed by unanimous vote.

ZONING

The City Council had first reading on an ordinance rezoning property located on the west side of Andover Avenue, north of Essex Street, from R-1 to R-2 for duplex development as shown on Planning File #Z-1525-13.

ADJOURNMENT

A motion was offered by Council Member Balow and seconded by Council Member Olson “that this meeting does now adjourn.” Said motion passed by unanimous voice vote.

Adjournment:

Time: 7:45 p.m.

ATTEST:

/s/ Kerry J. S. Kincaid, President

/s/ Donna A. Austad, City Clerk